

REMARKS

Claims 1, 3, 18, 19, 22 and 25 are pending and are the subject of the present office action. Claim 3 has been amended, as shown above, to correct an inadvertent typographical error in the amino acid numbering.

The Examiner noted in the office action that Figure 1B contains sequences not included in the Sequence Listing originally filed with the application. Applicants are filing herewith a substitute Sequence Listing for the application to bring the Sequence Listing into compliance with the requirements of 37 CFR 1.821-1.825. The sequences disclosed in Figure 1B have been assigned SEQ ID NO:s 9-17 and are included in the substitute Sequence Listing, being provided in paper and electronic forms. Entry of the substitute Sequence Listing into the specification is hereby requested.

In the office action, claims 1, 18, 19, 22 and 25 were rejected under Section 102(a) as being anticipated by Wiley et al., Immunity, 1995, and under Section 102(e) as being anticipated by Wiley et al., US Patent 5,763,223. Applicants respectfully traverse both of the rejections.

Neither Wiley et al. reference teaches or suggests an Apo-2 ligand polypeptide having amino acid residues 91-281. The Examiner has referred to various portions of the respective Wiley et al. references regarding the TRAIL protein, but it is clear that there is no description in these references to a 91-281 form of the protein. It is respectfully submitted that neither Wiley et al. reference teaches or enables the skilled artisan to practice the claimed invention. Withdrawal of the Section 102 rejections is therefore requested.

Respectfully submitted,

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